

RI Department of Environmental Management

ISDS Designer Licensing Review Panel

Minutes of Open Session of June 16, 2006

This meeting of the ISDS Designer Licensing Review Panel was conducted at 235 Promenade Street, in Conference Room 280C.

Members of the Panel Present:

Scott Moorehead, Chairman

Jim Tavares

Dan Cotta

Members absent:

Al DiOrio

David Burnham

Others present:

Russ Chateauneuf, Chief, DEM Groundwater & Wetlands Protection

Brian Moore, DEM ISDS Program

Brian Sullivan, DEM ISDS Program

Lisa McGreavy, DEM Groundwater and Wetlands Protection

The meeting was called to order at 9:45 A.M.

Minutes of the March 17, 2006 Meeting Open Session:

Scott Moorehead made a motion to accept the Minutes of the Open Session portion of the March 17, 2006 meeting with no revisions. Jim Tavares seconded the motion. Scott Moorehead, Jim Tavares, and Dan Cotta voted in favor of the motion. The motion passes.

ISDS Inspectors:

Russ Chateaufneuf recently attended a meeting with the Rhode Island Association of Realtors regarding whether the DEM would be initiating a program for licensing ISDS Inspectors. The Department currently does not have a licensing program for ISDS inspectors because it does not have the authority to do so. The Department produced a septic system check up manual and checklist. The University of Rhode Island provides a training program whereby people who complete the program are listed on a registry which confirms that they know how to use the septic system check up manual. There is no regulatory or legislative oversight of the registry list by the Department.

However, if the proposed cesspool phase-out bill that is pending legislative approval is adopted, the Department will need to have some level of oversight and develop procedures for insuring the qualification of inspectors on the registry. One recommendation is to model the program after the Massachusetts ISDS inspector registry which MA/DEP oversees and uses to monitor inspectors' performance such that if an inspector performs unacceptably, the

inspector is removed from the registry list and is unable to work as an inspector.

Status of Cesspool Phase-Out Bill:

The bill passed the House subcommittee yesterday and the Senate subcommittee has indicated support. The next step is that the bill will go before a full House and Senate. The current version of the bill proposes only 10% of the jurisdiction of the original bill and is limited to cesspools near the coastline, bathing beaches and public drinking water wells. The amount of media attention that has been given to the proposed bill and the public discussions that have followed seems to have led to a record number of ISDS repairs being done in the state - even before the bill is passed. Last year, there were approximately 1,600 repairs completed, compared to 900 in previous years.

At 10:00 A.M., in open call, Scott Moorehead announced that the meeting would proceed in executive session pursuant to R.I.G.L. 42-46-5 (a) 4 for discussion of conduct of specific designers. Dan Cotta seconded the motion. Scott Moorehead, Dan Cotta, and Jim Tavares voted in favor of conducting this business in Executive Session. The motion passes.

Continuation of Open Session

The open meeting was reconvened at 11:30 A.M.

Scott Moorehead made a motion to affirm and seal the minutes of the Executive Session. Jim Tavares seconded the motion. Scott Moorehead, Jim Tavares, and Dan Cotta voted in favor of the motion. The motion passes.

Votes taken while in Executive Session:

Scott Moorehead made a motion to accept the Minutes of the Executive Session portion of the March 17, 2006 meeting with the following revisions: Page 2, 4th paragraph – change “invasive” to “evasive”; and add “calls” to “... and did not address whether the calls were received.”; Page 3, 8th paragraph - add “un” in “...there are unanswered questions.” Jim Tavares seconded the motion. Scott Moorehead, Jim Tavares, and Dan Cotta voted in favor of the motion. The motion passes.

Paul Coutu (D2022) – Needham Complaint/Willy Woodhead Road, Glocester (ISDS# 9213-1495):

Scott Moorehead made a motion to recommend that the Department take direct action and issue a Notice of Intent (NOI) to Paul Coutu relative to his unresponsiveness to the Department. Further, once the issue with the Department has been settled, the Panel recommends that the Department take action on the landowner’s complaint relative to ISDS# 9213-1495. Dan Cotta seconded the motion. Scott Moorehead, Dan Cotta, and Jim Tavares voted in favor of the motion. The motion passes.

Eugene Spring (D3026) – Cravinho/Bloombridge Road, Westerly (ISDS# 0436-0756):

Scott Moorehead made a motion to recommend that the Department issue a warning letter to Eugene Spring stating that Mr. Spring's performance as an ISDS designer relative to ISDS permit #0436-0756 appears to have contributed to the malfunction of the ISDS system in question. Performance deficiencies include that the septic tank was not pumped according to approved plans; the ISDS was not installed according to approved plans (specifically, the effluent filter was not installed and the drop box was not removed); Mr. Spring did not notify the Department of the field changes; and despite the deficiencies, Mr. Spring certified on the Certificate of Construction (COC) that the system was installed properly. The Panel also recommends that the Department not waive future bottom and cover field inspections for those systems in which Mr. Spring is involved; continue to track Mr. Spring's performance, and any future deficiencies be subject to further disciplinary action. Jim Tavares seconded the motion. Scott Moorehead, Jim Tavares, and Dan Cotta voted in favor of the motion. The motion passes.

Kamal Hingorany (D4005) – Parker/Peaceful Way, Tiverton (ISDS# 0533-1714):

Dan Cotta made a motion that the complaint against Mr. Hingorany relative to ISDS# 0533-1714 is lacking sufficient evidence to demonstrate that a violation of the ISDS Regulations has occurred.

Therefore the Panel is unable to proceed with any recommendations to the Department for enforcement action. Scott Moorehead seconded the motion. Jim Tavares added that staff should notify Mr. Parker of the determination. Dan Cotta, Scott Moorehead, and Jim Tavares voted in favor. The motion passes.

Jim Tavares made a motion to seal the minutes of the Executive Session, adjourn the Executive Session, and reconvene the Open Session. Dan Cotta seconded the motion. Jim Tavares, Dan Cotta, and Scott Moorehead voted in favor of the motion. The motion passes.

Next Meeting:

The next meeting is tentatively scheduled for Friday, July 21, 2006 from 9:30 AM to 12:00 PM in Conference Room 280C in the DEM Office of Water Resources.

Jim Tavares made a motion to adjourn. Dave Cotta seconded the motion. Jim Tavares, Dan Cotta, and Scott Moorehead voted in favor of the motion. The motion passes.

The meeting adjourned at 11:35 A.M.